

## REMARKS

### **THE CLAIMS REJECTIONS UNDER 35 U.S.C. § 112, FIRST PARAGRAPH**

The Examiner has rejected claims 65-70 and 76-79 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

The Office Action states that although amended claim 65 recites that " 'the X moiety is an aryl..., and which may be further substituted'...", "there is no disclosure that X is aryl....". The Examiner requests that Applicant "...point to page(s) and line number(s) wherein support for unsubstituted aryl groups is disclosed". The Examiner also states that the specification does not disclose any further substitution that occurs on the X moiety, and again requests that Applicant "point out support in the instant application".

Amended claim 65 recites that the X moiety is "an aryl... in which at least one atom is substituted by a radio-opacifying atom...and which may be further substituted;".

Applicant respectfully submits that the amended language of claim 65 is clearly supported in the specification. Example 1 (specification page 30, line 1 - through - page 32, line 20) discloses a compound in which X is aryl. The aryl is substituted with 3 atoms of iodine, and is not further substituted. Example 2 (p. 33, line 1 - through - page 34, line 19) discloses a compound in which X is aryl. The aryl is substituted with 3 atoms of iodine, and is further substituted with alkyl. Applicant submits that Examples 1 and 2 specifically support the language of amended claim 65.

Applicant submits that claim 65 conforms to the written description requirement of 35 U.S.C. 112, first paragraph, and respectfully requests reconsideration and withdrawal of the rejection.

## THE CLAIMS REJECTIONS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

Claims 65 and 76-79 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner states that claim 65 "is ambiguous because of the phrase 'which may be further substituted' ". The Examiner requests that "Applicant point to support in the specification for such terminology".

Claim 65 recites a compound in which "...the X moiety is substituted with at least one atom of a radio-opaque atom ...and which may be further substituted".

Example 2 (page 33, line 1 - to - page 34, line 19) discloses a compound in which the X moiety is aryl. The aryl is substituted with 3 atoms of iodine, and is further substituted with alkyl. Example 3 (page 35, line 1 -through - page 37, line 13) discloses a compound in which X is aryl. The aryl is substituted with 3 atoms of iodine, and further substituted with 2-N-methylcarboxamide groups on the 3' and 5' positions. Claim 65 employs the term "further" in its commonly understood meaning of "additionally" (Oxford English Dictionary, 2d Edition, 1989, Oxford University Press).

The Office Action states that claims 76-79 are ambiguous because the claims depend upon claim 65 which defines the variables S (pyranose), X, and L. The claim has been amended to eliminate ambiguity but Applicant does not admit that this rejection is proper. In view of the Examiner's suggestion regarding the phrase "capable of...", the claim has been also amended to recite "a radiation source which is attenuated by the X moiety;".

Applicant submits that as amended, claims 65 and 76-79 comply with the requirements of 35 U.S.C. 112, second paragraph, and respectfully requests reconsideration and withdrawal of the rejection.

## **INFORMATION DISCLOSURE STATEMENTS**

Applicant requests that the Examiner consider all submitted Information Disclosure Statements which have not yet been considered.

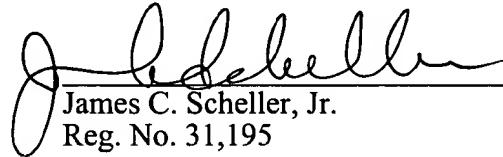
## **EXTENSION OF TIME**

Applicant hereby requests an extension of time to respond to the pending Office Action and a check for the extension fee is enclosed herewith. Please charge Deposit Account 02-2666 for any shortage in fees required by this response.

Respectfully submitted,

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